

you don't like those options, it would be better to take it from the law than to let it be there and leave it in the discretion of the officer to inform the person or not. I think what the committee amendment has done is to place an inordinate amount of confidence in police officers, and if a policy is adopted by the state, that policy should be clearly stated in the statute. I believe that there must be an incentive given to cause officers to comply with the law and the policy of the state. Because officers have engaged so regularly and frequently in illegal searches and seizures, the courts have had to step in and say you will be denied the fruits of this illegal activity. Now the Constitution has said citizens are entitled to certain considerations when dealt with by the law. You have the right to the integrity of your person, your papers, your residence, and so forth. So if that integrity is to be invaded or violated, it must be done so only when certain conditions are met at first and that is the obtaining of a warrant based on probable cause, then the search can be undertaken. This is synonymous or analogous to that situation where the state has decided years ago that a person should not be required to take only a breath test to determine alcohol content when arrested and accused of driving while intoxicated, that two other tests, urine or blood can be given and that the person has the option of selecting which one. In addition to that, the person should have the right to choose somebody of his or her choice to administer an additional test and conduct additional laboratory examination of the results of those tests. The committee's amendment will in effect say we think that there ought to be this information given but it doesn't matter if it is not. So I feel that you are not really bestowing a right, and if you accept the committee's amendment, then what you really ought to do is to strike from the law those options that the law gives. Otherwise I think we are passing a nothing bill. Senator Beutler explained his reason for the amendment by saying that he feels that officers will give this information. Well, they ought to give it now but they are not. So what will encourage law enforcement agencies to have their officers give these options to the person is to say that if you don't then the test that you administer cannot be admissible against this